

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Jason B.)	
)	
Plaintiff,)	ORDER
)	
v.)	
)	
Social Security Administration,)	Case No.: 1:25-cv-00015
)	
Defendant.)	

On January 24, 2025, Plaintiff Jason B. (“Plaintiff”) filed a Motion for Leave to Proceed *In Forma Pauperis*. The court granted Plaintiff’s motion, and on January 27, 2025, Plaintiff filed a Complaint against Defendant Social Security Administration. (Doc. No. 3-4).

On March 18, 2025, Defendant filed a Motion to Remand. (Doc. No. 8). Therein, Defendant requested the court reverse and remand the matter pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings. On March 19, 2025, the court granted Defendant’s motion (Doc. No. 10) and remanded the matter for further administrative action. The court further noted Defendant had attempted to contact Plaintiff but did not receive a response.

Plaintiff subsequently filed a Notice of Appeal based on “‘Conflict of Interest’ with the Social Security Administration and the Medical Evidence provided from Plaintiffs Medical providers.” (Doc. No. 12) (errors in original). Plaintiff also filed a request to withdraw Notice of Appeal, advising that he “was unaware that the District Court of North Dakota court order to reverse and remand the ALJ’s decision... is a good enough/fair decision.” (Doc. No. 13) (emphasis in original). The court granted Plaintiff’s request to withdraw the Notice of Appeal and deemed the Notice of Appeal moot. (Doc. No. 14).

On May 19, 2025, Plaintiff filed a *Motion for Summary Judgment*. (Doc. No. 15). Plaintiff requested the court grant his motion as the Social Security Administration had made legal errors in the past six years of his SSI disability case. He specifically pointed to the Appeals Council remanding his SSI claim back to the Administrative Law Judge (“ALJ”) three times, with the ALJs having “repeatedly ignored the plaintiffs limitations, physical and mental which are well documented from plaintiffs Doctors records since 2019.” (*Id.*) (errors in original). Plaintiff further argued the ALJ “fabricated the need [he has] for medical prescribed devices including, wheel chair, disabled parking permit, and bilateral braces which are all prescribed.” (*Id.*) (errors in original). Finally,

[T]he Social Security Administration has alot of bias and conflict of interest against this disabled plaintiff who is applying for SSI Disability. Although it’s proof that states the disabled Plaintiff doesn’t have any significant work history due to physical and mental limitations on file no Justice from the Social Security Law Judges has awarded SSI Benefits since 2019.

(*Id.*) (errors in original).

On May 28, 2025, Defendant filed a response in opposition to Plaintiff’s motion. (Doc. No. 17). Defendant requested Plaintiff’s motion be denied as this court properly remanded the case back to the Commissioner for further administrative action under 42 U.S.C. § 405(g). Defendant further advised that a sentence four remand under 42 U.S.C. § 405(g) affords appropriate relief when the record is insufficient to support the Commissioner’s conclusions, making further fact-finding necessary.

The court is inclined to agree with Defendant. Plaintiff did not respond to Defendant’s attempts to contact him about the Motion to Remand. After the motion was granted, Plaintiff filed a Notice of Appeal, and then a subsequent request to withdraw the Notice of Appeal, at which time he noted the court had made a “good enough/fair decision.” Even if the court were inclined to consider Plaintiff’s motion, the matter is no longer properly before this court, but instead has been

remanded for further administrative proceedings. Accordingly, Plaintiff's motion is **DENIED** without prejudice.

IT IS SO ORDERED.

Dated this 2nd day of June, 2025.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court